

REMARKS

Priority

A verified English translation of Applicant's German priority application no. DE 101 46 275.1, filed September 18, 2001, is submitted herewith to perfect the claim of priority.

Oath or Declaration

M.P.E.P. §602 provides in pertinent part as follows:

The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with *any one* of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed; ... **(emphasis supplied)**

The Declaration of record in this application, submitted August 2, 2004, identifies the specification to which it is directed by giving the application number, 10/803,187; the filing date, March 18, 2004; and the attorney docket number, 029310.53299US. The Declaration of record thus complies with items (A), (B) and (C). Since satisfaction with *any one* of the items is sufficient, the Declaration of record is believed to properly identify the specification to which it is directed. The title of the invention is not required under the circumstances of this case. Reconsideration and withdrawal of the objection are respectfully requested.

Specification

The specification at page 6, line 6 and 29, line 1, has been amended in accordance with the Examiner's suggestion. Applicants wish to thank the Examiner for his helpful suggestion in this regard.

Claim Objections

The objections to claim 37 are believed obviated by the foregoing amendments to the claim by which the alternate substance names have been deleted. Again, applicants wish to thank the Examiner for his helpful suggestions in this regard.

A similar amendment has been made to claim 46. Additional minor language corrections have also been made to claims 37, 48 and 61 without any change of scope or intended meaning.

Rejection under 35 U.S.C. § 103

The rejection of claims 37, 39-41, 48-51, 54-57 and 71-73 under 35 U.S.C. §103(a) over Christoph et al., US 2004/0034105, in view of Andersson et al., Br. J. of Urology Int., 84:923-47 (1999) is respectfully traversed. The effective reference date of the Christoph et al patent publication is subsequent to the September 28, 2001 priority date to which the present application is entitled. As noted above, a verified English translation of the priority application is being filed concurrently herewith. Thus, the Christoph et al. patent publication is not prior art with respect to the present application. Reconsideration and withdrawal of the rejection are accordingly, respectfully requested.

Conclusion

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.


Application No. 10/803,187
Reply to Office Action
March 21, 2008

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the examination of the application.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #029310.53299US).

Respectfully submitted,

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